

Notice of Allowability

Application No.

09/888,922

Applicant(s)

GUPTA ET AL.

Examiner

Art Unit

Inder P. Mehra

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 10/25/2006.
2. ☒ The allowed claim(s) is/are 1-9, 11-29, 31-35, 37-42 and 44-48 (Renumbered as 1-20 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOHN PEZZLO
PRIMARY EXAMINER

DETAILED ACTION

1. This office action is in response to amendment dated: 10/25/06. Based on this amendment, out of pending claims 1-48, claims 10, 30, 36 and 43 have been cancelled and remaining claims are 1-9, 11-29, 31-35, 37-42 and 44-48

Allowable Subject Matter

2. Claims 1-9, 11-29, 31-35, 37-42 and 44-48 are allowed.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly, or indirectly the following limitations in combinations with other limitations of the claims:

As recited by claim 1,

“selecting a desired data rate capacity above a data rate capacity of the radio channel as indicated by a current rate value if the usage remains above a maximum usage threshold for a first qualified period of time, requesting that the radio channel be configured for the desired data rate capacity, receiving information bearing on an assigned data rate capacity if the request was granted, and updating the current rate value to reflect the assigned data rate capacity; and decreasing the data rate capacity of the radio channel if the usage remains below a minimum usage threshold for a second qualified period of time”

As recited by claim 27,

“starting a high duration timer to time a period of time that said channel utilization exceeds said first utilization threshold; and deferring any action to increase said data rate capacity until said high duration timer reaches a predetermined high condition count”.

As recited by claim 34,

“determine the usage as a percentage utilization value based on comparing an actual amount of new communication traffic sent over the radio channel over the defined interval of time versus a maximum amount of communication traffic that could have been sent if the radio channel was fully utilized”.

As recited by claim 42,

increase a current data rate capacity of the radio channel if the usage is above a defined maximum usage threshold; and decrease the current data rate capacity of the radio channel if the usage is below a defined minimum usage threshold; and de-allocate the radio channel if the current data rate capacity of the radio channel is at a minimum and the usage is below the defined minimum usage threshold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 12/19/06
Inder P Mehra
Examiner
Art Unit 2617



**JOHN PEZZLO
PRIMARY EXAMINER**